

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRANK HEARRING,

Plaintiff,

v.

RICHARD SNYDER, *et al.*,

Defendants.

Case No. 3:20-cv-00049-ART-CLB

ORDER

Pro se Plaintiff Frank Hearing brings this civil rights action against Defendants Perry Russell, Harold Wickham, and John Henley (collectively, “Defendants”). Mr. Hearing alleges that Defendants interfered with his right to the free exercise of his religion and violated his right to equal protection under the law by (1) interfering with Mr. Hearing’s attempts to bring Taleem services to the prison chapel; (2) interfering with Mr. Hearing’s attempts to solicit the donation of religious texts to the prison library; and (3) refusing to provide Mr. Hearing with a Qur’an, a text that is fundamental to his religious practice.

Before the Court is the Report and Recommendation (“Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 67), recommending the dismissal of each of Mr. Hearing’s claims. Mr. Hearing had until July 11, 2023 to file an objection to Judge Baldwin’s Recommendation. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss each of Mr. Hearing’s claims.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of

1 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
3 magistrate judges’ findings and recommendations is required if, but *only* if, one
4 or both parties file objections to the findings and recommendations.”) (emphasis
5 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
6 the Court “need only satisfy itself that there is no clear error on the face of the
7 record in order to accept the recommendation.”).

8 Because there is no objection, the Court need not conduct de novo review
9 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin
10 recommends the dismissal of all of Mr. Herring’s claims, either because Mr.
11 Herring failed to exhaust the administrative remedies available to him, because
12 Mr. Herring’s claims do not survive the First Amendment analysis required
13 under *Turner v. Safley*, or because Mr. Herring’s Complaint fails to allege
14 evidence sufficient to support a finding of genuine dispute of material fact. ECF
15 No. 67 at 12, 16, 18, 20-21. The Court agrees with Judge Baldwin. Having
16 reviewed the R&R and the record in this case, the Court will adopt the R&R in
17 full.

18 IT IS THEREFORE ORDERED that Judge Baldwin’s Report and
19 Recommendation (ECF No. 67) is accepted and adopted in full and that
20 Defendants’ motion for summary judgement (ECF No. 49) be GRANTED.

21 IT IS FURTHER ORDERED that the Clerk ENTER JUDGEMENT in favor of
22 Defendants and CLOSE this case.

23 DATED THIS 31st Day of August 2023.

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26 ANNE R. TRAUM
27 UNITED STATES DISTRICT JUDGE
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